

EXHIBIT 1

DECLARATION OF DEREK J. WILSON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

ZERMATT HOLDINGS, LLC,

and

WFA of SAN DIEGO, LLC,

Plaintiffs,

v.

MARTIN CHRISTOPHER
("CHRIS") COOPER, an individual

and

CHRIS COOPER & COMPANY,
INC, an Ohio corporation,

Defendants.

Case No. 3:23-cv-01423-JJH

Judge Jeffrey J. Helmick

DECLARATION OF DEREK WILSON

I, Derek Wilson, hereby declare as follows:

1. I am competent to testify and have personal knowledge of the matters set forth herein.

2. I am an attorney licensed to practice law in California and Arizona. I am the owner and managing attorney of the Law Office of Derek J. Wilson. I have represented Peter Wheeler ("Wheeler") in his litigation with Zermatt Holdings, LLC ("Zermatt") and WFA of San Diego, LLC ("WFASD") (collectively "Plaintiffs") since January 2022.

3. I submitted a mediation brief on August 10, 2023, in advance of the August 14, 2023, hearing with Judge Link. When at the hearing, Judge Link pulled both myself and California counsel for Plaintiffs aside and made it clear that if the parties wanted him to issue additional orders regarding discovery and the application

of the March 21, 2023, release, this should be in his capacity as an arbitrator. He explained this is why he directed his office to set a full-day arbitration and not a mediation for the multitude of issues presented on August 14. There were no substantive settlement discussions on August 14, nor have there been since.

4. The parties, through their counsel, agreed to two issues—additional discovery would be allowed regarding alleged disparagement and an order clarifying the release for the parties would be signed by Judge Link. Counsel for the parties agreed to the scope of discovery and conducted it. Counsel for the parties could not agree on a joint proposed order, so they addressed this issue with Judge Link at the October 24, 2023, Case Management Conference for the pending arbitration. Counsel for the parties then agreed to send multiple versions of proposed orders for Judge Link's consideration and signature.

I declare under penalty of perjury that the foregoing statements are true and correct. Further affiant sayeth naught.

Dated: January 3, 2024



Derek Wilson